

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

August 23, 2004

**Nos. 03-3388, 03-3577, 03-3578, 03-3579, 03-3580, 03-3581, 03-3582, 03-3651, 03-3665, 03-3675, 03-3708, 03-3894, 03-3950, 03-3951, 03-4072, 03-4073 & 04-1956**

Prometheus Radio Project v. FCC, et al.

Prometheus Radio Project, Petitioner in No. 03-3388

Media General, Inc., Petitioner in No. 03-3577

National Association of Broadcasters, Petitioner in No. 03-3578

Network Affiliated Stations Alliance, et al., Petitioners in No. 03-3579

Fox Entertainment Group, Inc., et al., Petitioners in No. 03-3580

Viacom, Inc., Petitioner in No. 03-3581

National Broadcasting Company, Inc., et al., Petitioners in No. 03-3582

Sinclair Broadcast Group, Inc., Petitioner in No. 03-3651

Media Alliance, Petitioner in No. 03-3665

Paxson Communications Corporation, Petitioner in No. 03-3675

National Council of the Churches of Christ in the U.S., Petitioner in No. 03-3708

Tribune Company, Petitioner in No. 03-3894

Paxson Communications Corporation, Petitioner in No. 03-3950

Emmis Communications Corporation, Petitioner in No. 03-3951

Center for Digital Democracy, et al., Petitioners in No. 03-4072

Clear Channel Communications, Petitioner in No. 03-4073

Minority Media and Telecommunications Council et al, Petitioners in 04-1956

(FCC No. 03-127)

Present: SCIRICA, Chief Judge, AMBRO and FUENTES, Circuit Judges

1. Motion by Petitioner/Intervenor, Viacom, Inc., for a partial lifting of this Court's stay as it concerns the radio/television cross-ownership rules.
2. Response in Opposition by Citizen Petitioners to Motion for a partial lifting of this Court's stay as it concerns the radio/television cross-ownership rules.
3. Reply by Petitioner/Intervenor, Viacom, Inc., to Response by Citizen Petitioners to Motion for a partial lifting of the Court's stay.

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C.A. No. 03-3388, etc.

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/s/ Gayle Burr

Gayle Burr 267-299-4921  
Case Manager

**Any responses due by 9/7/04 will be forwarded promptly.**

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**O R D E R**

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Inasmuch as we have held that the cross-media ownership regulations proposed by the Federal Communications Commission in its Report and Order and Notice of Proposed Rulemaking, 18 F.C.C.R. 13,620 (2003), are not supported sufficiently as required under the Administrative Procedure Act, 5 U.S.C. § 706(2), the foregoing motion by Viacom, Inc., to lift the stay on implementation of those regulations is denied.

By the Court,

/s/ Thomas L. Ambro

Circuit Judge

Dated: October 21, 2004  
ghb/cc: Counsel of Record